

W.P.A. 5235 of 2025

**Umesh Chandra Guin
Vs.
The State of West Bengal & Ors.**

Mr. Sudip Ghosh Chowdhury
Mrs. Shreyeta Mitra

...for the Petitioner

Mr. Arindam Chattopadhyay
Ms. Lipika Chatterjee

...for the State

Affidavit of service filed on behalf of the petitioner is taken on record.

In the writ petition decision of the Additional District Inspector of Schools (S.E.), Contai Sub-Division as contained in the memo dated 21st March, 2024 is under challenge whereby prayer of the petitioner for according post graduate scale of pay was spurned.

Learned advocate representing the petitioner submits that the petitioner was appointed as Assistant Teacher in Mathematics with educational qualification B.Sc. (Hons.) on and from 22nd November, 2013 in Juki Junior High School, Purba Medinipur.

From the date of petitioner's appointment he was granted Hons. graduate scale of pay. Prior to his joining the post of Assistant Teacher, petitioner completed Part-I course and in connection with Part-II examination one practical examination was left when petitioner joined on 22nd November, 2013. Petitioner commenced the course for obtaining post graduate degree in Mathematics upon enrolling himself in 2009-10 session under Vidyasagar

University. Result of M.Sc. final examination was published on 18th February, 2014.

It has been submitted on behalf of the petitioner that on an identical issue a judgment was delivered by the Hon'ble Division Bench in *MAT 825 of 2020 (Adeel Uz Zaman vs. The State of West Bengal & Ors.)* dated 11th February, 2021. According to the petitioner, since the Hon'ble Division Bench in *Adeel Uz Zaman* (supra) has decided that in the event candidate joins the post with Hons. graduate scale of pay at the time when the said candidate has completed part of higher course of studies for obtaining post graduation degree in the relevant subject of teaching, the requirement to obtain permission from the concerned District Inspector of Schools to undergo higher course of studies is not warranted. It has also been submitted that the ratio of *Adeel Uz Zaman* (supra) has already been affirmed by the Special Bench in the judgment dated 7th February, 2024.

Learned advocate representing the State respondents has made submission to defend the decision taken by the concerned Additional District Inspector of Schools (S.E.) in the memo dated 21st March, 2024.

Having considered the submissions made on behalf of the parties and on perusal of the impugned memo dated 21st March, 2024 issued by the Additional

District Inspector of Schools (SE), Contain Sub-Division, it appears that the prayer of the petitioner for grant of post graduate scale of pay was turned down since permission was not obtained from the concerned District Inspector of Schools before enrolling his name for higher course of studies.

The issue of obtaining permission from the concerned District Inspector of Schools in terms of the Circular dated 27th November, 2007 is no more *res integra* in view of the ratio of **Adeel Uz Zaman** (supra) as decided by the Hon'ble Division Bench and ratio of the judgment is applicable considering the fact that at the time of joining the post in the present case on 22nd November, 2013 petitioner completed entire course, only one practical examination was left for which school authority allowed one day casual leave.

It is also required to be recorded herein that the view expressed by the Hon'ble Division Bench in **Adeel Uz Zaman** (supra) has been affirmed by the Larger Bench in the judgment dated 7th February, 2024 delivered on a batch of matters, first one being WPA 9921 of 2007 (**Utpal Kanti Karan vs. State of West Bengal & Ors**).

In view of the above discussion, the impugned memo dated 21st March, 2024 issued by the Additional

District Inspector of Schools (SE), Contai Sub-Division stands set aside.

The concerned District Inspector of Schools being respondent no. 3 is directed to grant post graduate scale of pay to the petitioner from the date of publication of the result of M.Sc. Part –II examination within a period of four (4) weeks from the date of communication of this order.

Accordingly, the writ petition stands disposed of.

However, there shall be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertakings.

(Saugata Bhattacharyya, J.)